IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1426 OF 2005
IN
SUIT NO.2704 OF 2003

Smt.Sharifunisa wd/o. Saeed Ahmed and others — Plaintiffs

versus

Jameel Ahmed s/o Mohammed Khalil and others — Defendants

Mr.A.M.Saraoji for plaintiffs.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 5th June 2006

PC :

1. The plaintiffs have taken out this Chamber Summons to ascertain the occupation of shop/house numbers more particularly mentioned in prayer clause (a) of this Chamber Summons.

2. Shri Saraogi states that the plaintiffs are not seeking any substantive reliefs for the time being but want to ascertain the correct factual position with regard to the occupants. He submits that there is a discrepancy in the names that have been furnished to the Court Receiver, High Court, who has been appointed Receiver of

the suit property, and in the affidavit which has been filed by defendant no.1 in an earlier proceeding.

3. In my view, instead of passing any orders and/or issuing any directions on this Chamber Summons, it would be appropriate if the plaintiffs approach the Court Receiver and upon receipt of application/representation of the plaintiffs, the Court Receiver to take necessary steps as are permissible in law and verify details of the occupants of these shops/houses. It is thereafter open to the Court Receiver to adopt appropriate proceedings including bringing to the notice of this Court the names and other details of the occupants. Equally, this order will not prevent the plaintiffs from taking out appropriate proceedings including amendment of the plaint to implead such occupants as are physically in use and occupation of the shops/ houses as party defendants to the suit. All contentions of parties on this aspect are kept open. The Chamber Summons disposed of. The Court Receiver to act on an ordinary copy of this order duly authenticated by the Registry.

(S.C.DHARMADHIKARI, J.)